

REMARKSSummary of Interview

Applicants wish to thank the Examiner for the interview with applicants' representatives on November 16, 2004.

The Examiner and applicants' representatives discussed claim 1 and explained issues 2 and 3 on page 10 of the Office Action dated July 12, 2004 regarding the applicability of Griffin (U.S. Patent Number 5,005,122) to the invention. The Examiner stated that the fourth element of claim 1, "each of the plurality of backup cells communicatively coupled to at least one other of the plurality of backup cells, and each of the plurality of backup cells adaptable to be controlled by a management component in another of the plurality of backup cells," is not disclosed in the Griffin reference, but declined to accept the claim. The Examiner indicated that she had no questions in response to applicants' representatives' explanation of issues 2 and 3 and discussion of claim 1, and suggested that reconsideration of Griffin or additional searching may be required.

Arguments

As explained at the interview, with respect to issue 2 of the Office Action, the "backup cells" claimed in claim 1 are not analogous to the "backup nodes" described in Griffin. A "backup node" as described in Griffin is a backup server node, such as 15A-15C of Fig. 1, which represent a Slave Management Server, Master Backup Server and Slave Backup Server, respectively. In Griffin, each "node" comprises a computer and nodes are either client nodes or server nodes. (Col. 1, lines 41-43; Col. 2, lines 34-42.) A "node" in Griffin is therefore a network element such as a single individual computer. By contrast, the backup cells of claim 1 and as depicted in Fig. 1 include multiple components or devices, e.g., a back up device and a management component. Thus, a backup cell cannot be equated with a "backup node" in Griffin.

With respect to issue 3 of the Office Action, Griffin describes a static master-slave architecture in which a master management server controls operations performed by a slave server. The slave management server, however, cannot control the master management server. (Col. 7, lines 13-31.) As one consequence of this arrangement, if the slave management server fails, the master would be unable to control the backup devices controlled by the slave

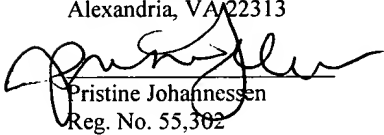
management server and the backup would fail. By contrast, a first backup cell of claim 1 can be controlled by a first management component included in the first backup cell, and is also adaptable to be controlled by a second management component in another of the plurality of backup cells. Thus, unlike Griffin, if the first management component in the first backup cell is unavailable, a backup of the first backup cell may still be completed using the second management component.

Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.


Respectfully submitted,

Dated: December 16, 2004

I hereby certify that the correspondence attached herewith is being transmitted via First Class Mail to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313


Pristine Johannessen
Reg. No. 55,302

December 16, 2004
Date


Pristine Johannessen
Reg. No. 55,302
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
Tel: (212) 895-2000
Fax: (212) 895-2900